



New Zealand  
Security Intelligence  
Service  
Te Pā Whakamarumarū

## POSITION DESCRIPTION

### NZSIS Legal Adviser

**Directorate:** Office of the Director General

**Location:** Wellington

**Salary range:** G

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#### **Purpose of position:**

The Legal Adviser is responsible for providing legal and administrative support to the Chief Legal Officer and other Legal Advisers in the NZSIS Legal Team in the provision of quality legal advice, legal risk management and in-house training relating to NZSIS's operational and administrative activities.

The role will involve supporting the Chief Legal Officer and other Legal Advisers in the NZSIS Legal Team by providing legal research and analysis using a range of information tools, general legal advice on operational matters, legal input into development of legislative policy relevant to NZSIS, implementation of legislative changes within NZSIS, drafting intelligence warrants and various other kinds of documents having legal effect and providing legal input into NZSIS information management, compliance, policy and processes.

Public and Ministerial confidence in the lawfulness of NZSIS' activities is essential to the performance of NZSIS's statutory functions. The core task of the Legal Adviser is to support the Chief Legal Officer and other Legal Advisers in the NZSIS Legal Team in providing legal advice to the Director of Security that enables this confidence to be maintained.

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**Our mission** at the NZSIS is to keep New Zealand and New Zealanders safe and secure

**Our values** are Collaborative, Courageous, Positive, Driven and Self-aware

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#### **Office of the Director General purpose:**

The Office of the Director General supports the Director General to lead the NZSIS to achieve its operational and strategic goals. The Office of the Director General comprises the Legal Team, Compliance and Risk Team, the Security Liaison Officers and other corporate support functions.

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ORDINARY**

We are. **Are you?**



New Zealand Intelligence Community  
Te Rōpū Pārongo Tārehu o Aotearoa  
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Key accountabilities	Deliverables/Outcomes
<p><b>Legal research and analysis</b></p> <ul style="list-style-type: none"> <li>Supporting the Chief Legal Officer and other Legal Advisers in the NZSIS Legal Team by providing legal research and analysis using a range of information tools</li> </ul>	<p><b>Legal research and analysis is:</b></p> <ul style="list-style-type: none"> <li>Comprehensive, thorough and clear</li> <li>Accurate, relevant, and timely</li> <li>Concise - relative to the issue or issues</li> <li>Practical and constructive</li> </ul>
<p><b>Providing quality legal advice on:</b></p> <ul style="list-style-type: none"> <li>Operational matters</li> <li>Adverse security recommendations</li> <li>Adverse recommendations on matters decided under the Immigration and Citizenship Acts</li> <li>Recommendations to cancel/refuse to issue New Zealand passports or other travel documents</li> <li>Requests and complaints under the Official Information and Privacy Acts</li> <li>Advising on and drafting contractual and other documents including confidentiality deeds and declarations, secondment agreements, employment contracts, IT contracts, leases, consent forms, waiver of intellectual property</li> <li>Drafting Memoranda of Understanding or Arrangement, Standard Operating Procedures</li> <li>Civil or criminal litigation in which NZSIS interests may be affected</li> <li>Any other matters relevant to the functioning of the NZSIS</li> <li>Ensuring legal advice is independent and professional</li> </ul>	<p><b>Quality legal advice is provided that is:</b></p> <ul style="list-style-type: none"> <li>Accurate, relevant and timely</li> <li>Regarded as robust and reliable by NZSIS and the oversight authorities</li> <li>Readily understood by its audience</li> <li>Independent of compromising influences</li> <li>Effective in identifying areas of significant legal risk for the NZSIS and in proposing strategies for risk minimisation</li> <li>Reflected in legal documents relating to NZSIS activities that are accurate and meet NZSIS' needs</li> </ul>
<p><b>Legal input into development of legislative policy relevant to NZSIS</b></p> <ul style="list-style-type: none"> <li>Formulating and developing proposals for reform or amendment of intelligence and security legislation having regard to domestic and international experience</li> <li>Proactively identifying proposed legislative changes to general legislation that may affect NZSIS</li> </ul>	<ul style="list-style-type: none"> <li>Proposals for legislative reform or amendment as far as possible anticipate NZSIS's future requirements and are realistic</li> <li>Appropriate consultation with other government agencies is undertaken, input into the parliamentary process is provided as necessary, drafting instructions to Parliamentary Counsel are clear and give effect to the government's intent and good working relationships are maintained with the Parliamentary Counsel Office</li> </ul>

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Key accountabilities	Deliverables/Outcomes
<p><b>Advice on legal compliance</b></p> <ul style="list-style-type: none"> <li>• Keeping informed of areas of NZSIS activity that have the greatest potential to compromise the effective functioning of the NZSIS in the event of non-compliance, and prioritising advice accordingly</li> <li>• Encouraging a culture in NZSIS to proactively seek legal advice</li> <li>• Advising the Director General and staff of any risks of non-compliance in their decision-making process</li> </ul>	<p><b>Legal compliance advice:</b></p> <ul style="list-style-type: none"> <li>• Proactively advises the Director General and NZSIS staff of any significant legal risk in NZSIS activities or decision-making processes</li> <li>• Is prioritised and focuses on those areas of activity that would be most likely to compromise the effective functioning of the NZSIS in the event of non-compliance</li> </ul>
<p><b>Maintain a healthy relationship with oversight authorities</b></p> <ul style="list-style-type: none"> <li>• Dealing with oversight authorities in a professional, prompt, and open manner</li> <li>• Maintaining the practice of proactively reporting any compliance issues to the oversight authorities</li> <li>• Maintaining the confidence of oversight authorities in the quality of the NZSIS' legal function</li> </ul>	<ul style="list-style-type: none"> <li>• The oversight authorities recognise the professionalism of the NZSIS legal team and NZSIS's compliance culture</li> <li>• Any inquiry by an oversight authority is properly considered, responded to promptly and any recommendation is implemented appropriately</li> </ul>
<p><b>Maintain a healthy relationship with other government lawyers including:</b></p> <ul style="list-style-type: none"> <li>• Other lawyers in the New Zealand security sector, as well as wider government sector lawyers</li> </ul>	<ul style="list-style-type: none"> <li>• The NZSIS legal team and its individual members maintain constructive relationships with other government lawyers, including through the Government Lawyers' Network (GLN) and the Defence, Security and Intelligence Legal Practice Group and engagement with Crown Law</li> </ul>
<p><b>Learning and Development</b></p> <ul style="list-style-type: none"> <li>• Preparing and delivering legal training to staff, including as part of internal training courses (such as the investigators, case officers and NZTOC courses), or on an as-required basis for new staff members and secondees</li> </ul>	<ul style="list-style-type: none"> <li>• Legal contribution is sought and provided for internal training courses</li> <li>• NZSIS staff understand the legal framework applying to their work and the importance of seeking legal advice as required</li> </ul>
<p><b>Health and safety (for self)</b></p> <ul style="list-style-type: none"> <li>• Work safely and take responsibility for keeping self and colleagues free from harm</li> <li>• Report all incidents and hazards promptly</li> <li>• Know what to do in the event of an</li> </ul>	<ul style="list-style-type: none"> <li>• A safe and healthy workplace for all people using our sites as a place of work</li> <li>• All requirements in the NZIC Health and Safety policy and procedures are met</li> </ul>



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Key accountabilities	Deliverables/Outcomes
emergency <ul style="list-style-type: none"> <li>• Cooperate in implementing return to work plans</li> <li>• Be a <b>visible</b> role model at all times</li> <li>• <b>Follow</b> NZSIS's safety rules and procedures</li> </ul>	
Other duties	Any other duties that fall within the scope of the position

Position delegation	
<b>Financial delegation:</b>	None

Key stakeholders	
<b>Internal:</b>	<ul style="list-style-type: none"> <li>• Chief Legal Advisor</li> <li>• Legal Team members</li> <li>• Director General of Security</li> <li>• ICSS</li> <li>• All NZSIS managers &amp; business units.</li> </ul>
<b>External:</b>	<ul style="list-style-type: none"> <li>• Counterparts within the wider New Zealand Intelligence Community and central government agencies, as required</li> <li>• Crown Law Office and other legal services providers</li> <li>• The Inspector-General of Intelligence and Security</li> <li>• The Privacy Commissioner</li> <li>• The Office of the Ombudsmen</li> <li>• National security sector agencies including GCSB, NZDF, DPMC, MFAT, NZ Police, NZ Customs, Ministry of Business, Innovation and Employment (in particular Immigration), Department of Internal Affairs and Aviation Security</li> <li>• Other government departments as necessary</li> <li>• International partners' legal teams</li> </ul>

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<b>Person Specification</b>	
<b>Experience:</b>	<p><i>Essential</i></p> <ul style="list-style-type: none"> <li>• 1-3 years experience in either public or private sector</li> </ul> <p><i>Desirable</i></p> <ul style="list-style-type: none"> <li>• Experience as an in-house legal adviser</li> <li>• Experience in and/or completed study in one or more of the following areas of law: public and administrative, statutory interpretation, privacy, official information, international, human rights, employment, civil or criminal procedure, police, commercial, information technology, military, intelligence and security, is desirable</li> </ul>
<b>Knowledge and Skills:</b>	<p><i>Essential</i></p> <ul style="list-style-type: none"> <li>• Familiarity with the functions of a legal adviser at a junior level</li> <li>• Have excellent research and legal analytical skills</li> <li>• Capability to develop independent legal judgment across a range of legal areas, including complex circumstances or where political risk exists</li> </ul> <p><i>Desirable</i></p> <ul style="list-style-type: none"> <li>• A good understanding of contemporary legal trends and issues affecting the security sector</li> </ul>
<b>Qualifications and Courses:</b>	<p><i>Essential</i></p> <ul style="list-style-type: none"> <li>• Degree in law</li> <li>• Qualified to practise as a barrister and solicitor in New Zealand</li> <li>• A current practising certificate</li> </ul> <p><i>Desirable</i></p> <ul style="list-style-type: none"> <li>• Continuing legal education in subject areas relevant to the position</li> <li>• Post-graduate legal qualifications relevant to the position</li> </ul>
<b>Specific Job Requirements:</b>	<ul style="list-style-type: none"> <li>• Demonstrated high levels of integrity and an ability to maintain a TSS security clearance.</li> <li>• Self-motivation</li> <li>• Effective organisational and self-management skills, including responsiveness to instructions and management of workload demands;</li> <li>• Effective interpersonal skills</li> <li>• An ability to work under pressure to meet tight deadlines</li> <li>• Highly effective oral and written communication skills</li> </ul>



## Changes to Position Description

Positions in the NZSIS may change over time as the organisation develops. Therefore we are committed to maintaining a flexible organisation structure that best enables us to meet changing market and customer needs. Responsibilities for this position may change over time as the job evolves. This Position Description may be reviewed as part of planning for the annual performance cycle.

Date PD reviewed: 30/01/2019

Signatures		
Manager's Name		
Signature		Date:
Employee's Name		
Signature		Date:

